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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,195	09/04/2001	Kazuhiro Asada	110540	1204

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OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

EXAMINER

WOOD, KEVIN S

ART UNIT	PAPER NUMBER
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2874

DATE MAILED: 03/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/944,195

Applicant(s)

ASADA, KAZUHIRO

Examiner

Kevin S Wood

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-7 is/are rejected.
- 7) ☒ Claim(s) 4 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other:

DETAILED ACTION

Response to Amendment

1. This action is responsive to Amendment A filed 11/20/02. Claims 1 and 3 are now amended and new claims 6-8 are now added. Claims 1-8 are now pending in the application.

Response to Arguments

2. Applicant's arguments with respect to claim 1 have been considered but they are not persuasive. The examiner has thoroughly reviewed the applicant's arguments and firmly believes the cited reference reasonably and properly meets the claimed limitations.

The applicant's primary argument is that U.S. Patent No. 5,929,380 to Carlson, Jr. et al. does not disclose all the limitations of the claimed invention. Specifically, the applicant argues that the reference does not disclose a guide receiving part having a substantially U-shaped trough orientated substantially perpendicular to the bending direction, with the trough able to receive and arrange the optical fiber cord through the opening. The examiner respectfully disagrees with this argument.

The Carlson, Jr et al. reference clearly discloses a guide body (14) to guide and hold an optical fiber cord, the guide body including a guide receiving part (16) formed in the shape of a trough having an opening in a substantially U-shape cross-section orientated substantially perpendicular to a bending direction. The fibers would be bent along the bending direction, therefore it is clear that the

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bending direction would be perpendicular to the U-shaped cross-section of the guide body.

Claims 1-3 and 5 remain rejected.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,929,380 to Carlson, Jr. et al.

Referring to claim 1, the prior art discloses all the limitations of the claimed invention. Carlson, Jr. et al. discloses an optical fiber guide device including: a guide body (14) provided with a guide channel (16) which can guide and hold an optical fiber cord received and arranged in a bent shape; the guide body including a guide receiving part formed in the shape of a trough having an

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opening in substantially U-shape cross-section oriented substantially perpendicular to the bending direction, and a mounting part (44,42) provided on an outer face of the guide body and adapted to be fitted to an object in which the optical fiber cord is to be installed. See the Figures of the reference.

Referring to claim 2, the prior art discloses all the limitations of the claimed invention. Carlson, Jr. et al. discloses an optical fiber guide device including: the guide channel (16) being formed in a shape bent at a bending radius which is larger than the smallest bending radius of the optical fiber cord. See col. 2, lines 59-65.

Referring to claim 3, the prior art discloses all the limitations of the claimed invention. Carlson, Jr. et al. discloses an optical fiber guide device including: the guide receiving part that is U-shape in cross section and bent in its lateral direction, and can receive and arrange the optical fiber cord through an opening formed in its longitudinal direction, and lid part (12) adapted to be attached to the guide receiving part so as to close the opening. See Fig. 9.

Referring to claim 5, the prior art discloses all the limitations of the claimed invention. Carlson, Jr. et al. does not specifically disclose that the guide channel may hold a multi-core fiber cord or that the guide channel can hold the optical fiber cord so that the fiber cores can be bent at the same radius. However, it is inherent that the device could hold multiple fiber cords, and/or multiple core fiber cords and that the multiple core fiber cords could be arranged so that each fiber core has the same bending radius. See the figures of the reference.

3. Claims 6 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Trebesch et al.

Referring to claim 6, Trebesch et al. discloses all the limitations of the claimed invention. Trebesch et al. discloses an optical fiber guide device, including: a guide body (563) to guide and hold an optical fiber received and arranged therein and bent in a bending direction, the guide body including a guide receiving part (570) formed in a shape of a trough having an opening in a substantially U-shape cross-section orientated substantially perpendicular to the bending direction, the trough being able to receive and arrange the optical fiber through the opening; and a mounting part provided on an outer face of the guide body and adapted to be fitted to an object of installation in which the optical fiber is to be installed. Trebesch et al. also discloses the lid part (564) further includes a least one projection part (566) disposed substantially perpendicular to the lid body, the receiving part includes at least one recess part (568) for receiving the at least one projection part. See the figures of the reference.

Referring to claim 7, Trebesch et al. discloses all of the limitations of the claimed invention. Trebesch et al. discloses that the at least one projection part (566) includes a notch or hole and that the at least one recess part includes a projection that fits in to the notch to hold the lid part (564) in place. See the figures of the reference.

Allowable Subject Matter

4. Claims 4 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter:

Referring to claim 4, the prior art does not disclose all the limitations of the claimed invention. The prior art does not disclose an optical fiber guide device as claimed, including: either the guide receiving part or the lid part being provided with stoppers for clamping the optical fiber cord from both sides, and bite a coating of the optical fiber cord in order to position and hold the optical fiber cord.

Referring to claim 8, the prior art does not disclose all the limitations of the claimed invention. The prior art does not disclose an optical fiber guide device as claimed where the mounting part includes: A fitting post extending at a base of the mounting part from the guide body to a distal end for insertion into a mounting hole; and a first pair of locking pieces at the base for impinging against a first surface of the installation; and a second pair of locking pieces at the distal end for impinging against a second surface of the installation after passing through the mounting hole.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent Application Publication No. 2002/0121571 to Ferris et al.

U.S. Patent No. 6,496,642 to Gonzalez et al.

U.S. Patent No. 6,470,129 to Wentworth et al.

U.S. Patent No. 5,724,469 to Orlando

Each of these references discloses a device similar to the claimed invention.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin S Wood whose telephone number is (703) 605-5296. The examiner can normally be reached on Monday-Thursday (7am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney B Bovernick can be reached on (703) 308-4819. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 307-0956.

KSW
March 19, 2003



Brian Healy
Primary Examiner